

2013 DRAFTING REQUEST

Bill

Received: **1/22/2013** Received By: **mgallagh**
Wanted: **As time permits** Same as LRB:
For: **Administration-Budget 7-9546** By/Representing: **Lawrence**
May Contact: Drafter: **mgallagh**
Subject: **Military Affairs - emerg mgt** Addl. Drafters:
Military Affairs - misc Extra Copies:

Submit via email: **YES**
Requester's email:
Carbon copy (CC) to: **michael.gallagher@legis.wisconsin.gov**

Pre Topic:

DOA:.....Lawrence, BB0411 -

Topic:

Sum sufficient appropriation for emergency management volunteer claims

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	mgallagh 1/29/2013	jdye 1/29/2013	rschluet 1/29/2013	_____	srose 1/29/2013		State S&L

FE Sent For:

<END>

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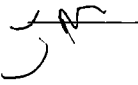
Sum sufficient appropriation for emergency management volunteer claims

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See attached

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/P1	mgallagh	P1 1/29 jld					
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FE Sent For:

<END>

Gallagher, Michael

From: Hanaman, Cathlene
Sent: Monday, January 21, 2013 3:02 PM
To: Gallagher, Michael; Gibson-Glass, Mary
Subject: FW: Statutory Language Drafting Request - BB0411

From: jeffrey.lawrence@wisconsin.gov [<mailto:jeffrey.lawrence@wisconsin.gov>]
Sent: Monday, January 21, 2013 2:31 PM
To: Hanaman, Cathlene
Cc: Gauger, Michelle C - DOA; Lawrence, Jeffrey R - DOA; Thornton, Scott - DOA
Subject: Statutory Language Drafting Request - BB0411

Biennial Budget: 2013-15

DOA Tracking Code: BB0411

Topic: New Sum Sufficient Appropriation To Pay Claims for Emergency Management Volunteer Claims

SBO Team: HSI

SBO Analyst: Lawrence, Jeff - DOA
Phone: (608) 267-9546
E-mail: jeffrey.lawrence@wisconsin.gov

Agency Acronym: DMA

Agency Number: 465

Priority: High

Intent:

Include for consideration in budget bill. Create a GPR sum sufficient appropriation to pay claims for emergency management volunteers who are injured while registered in writing with a local unit of government's emergency management program to provide his or her labor without compensation during a disaster is considered to be an employee of the local unit of government for purposes of worker's compensation for any claim relating to the labor provided.

Attachments: False

Please send completed drafts to statlanguage@wisapps.wi.gov

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1265/P1dn

MPG: A:...

date

JLd

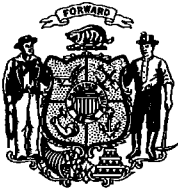
Jeff Lawrence:

Please review this draft carefully to ensure that it is consistent with the intent. ✓

The draft includes an initial applicability provision under which the changes to current law in the draft first apply to an emergency management volunteer's claim for worker's compensation based on an injury the volunteer incurs on the effective date of the budget bill. ✓ Please let me know if that is not consistent with the intent.

Thank you.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov



Inv. 1/29
State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1265/P1

MPG:.....

jd

DOA:.....Lawrence, BB0411 - Sum sufficient appropriation for emergency management volunteer claims

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

D-Note

✓
1

do not gen ✓
AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS ✓

Under current law, an individual who is registered with a local unit of government as an emergency management volunteer is considered an employee of that local unit of government for worker's compensation purposes for an injury the volunteer suffers while providing emergency management services during a disaster, imminent threat of disaster, or related training exercise. ✓

Under this bill, an individual who is registered with a local unit of government as an emergency management volunteer is considered an employee of the state, ✓ not the local unit of government, for worker's compensation purposes. ✓ The bill creates a sum sufficient appropriation for DMA ✓ to pay such a volunteer's worker's compensation claim based on an injury the volunteer suffers while providing emergency management services during a disaster, imminent threat of disaster, or related training exercise. ✓

For further information see the ***state and local*** ✓ fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

X
1 **SECTION 1.** 20.465 (3) (am) of the statutes is created to read:

2 20.465 (3) (am) *Worker's compensation for local unit of government volunteers.* ✓

3 A sum sufficient to pay the worker's compensation claims of emergency management
4 program volunteers under s. 323.40 (3) (a). ✓

 ***NOTE: This SECTION involves a change in an appropriation that must be
 reflected in the revised schedule in s. 20.005, stats. ✓

X
5 **SECTION 2.** 323.40 (3) (a) of the statutes is renumbered 323.40 (3) (a) 1. and
6 amended to read:

7 323.40 (3) (a) 1. Except as provided in par. (b), an individual who registers in
8 writing with a local unit of government's emergency management program to
9 provide his or her own labor without compensation, other than reimbursement for
10 travel, lodging, or meals, during a disaster, an imminent threat of a disaster, or a
11 related training exercise is considered an employee of the local unit of government ✓
12 state for worker's compensation under ch. 102 for purposes of any claim relating to
13 the labor provided.

History: 2009 a. 42.

X
14 **SECTION 3.** 323.40 (3) (a) 2. of the statutes is created to read:

15 323.40 (3) (a) 2. If an individual who is considered an employee of the state
16 under subd. 1. ✓ files a claim for worker's compensation relating to the individual's
17 labor provided during a disaster, an imminent threat of a disaster, or a related
18 training exercise, the local unit of government with which the individual is
19 registered to provide that labor shall refer that claim to the department, and, if the
20 claim is payable under ch. 102, ✓ the department ✓ shall pay that claim from the
21 appropriation under s. 20.465 (3) (am). ✓

22 **SECTION 9331. Initial applicability; Military Affairs.**

of military affairs

treatment of section 20.465 (3)(am)
of the statutes; the

1

(1) WORKER'S COMPENSATION FOR EMERGENCY MANAGEMENT PROGRAM VOLUNTEERS.✓

2

The renumbering and amendment of section 323.40 (3) (a)✓ of the statutes✓ and the

3

creation of sections 20.465 (3) (am) and 323.40 (3) (a) 2.✓ of the statutes first apply✓ to

4

a claim for worker's compensation for an injury incurred by an emergency

5

management program volunteer on the effective date of this subsection.✓

6

(END)

d-note



**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1265/P1dn
MPG:jld:rs

January 29, 2013

Jeff Lawrence:

Please review this draft carefully to ensure that it is consistent with the intent.

The draft includes an initial applicability provision under which the changes to current law in the draft first apply to an emergency management volunteer's claim for worker's compensation based on an injury the volunteer incurs on the effective date of the budget bill. Please let me know if that is not consistent with the intent.

Thank you.

Michael Gallagher
Legislative Attorney
Phone: (608) 267-7511
E-mail: michael.gallagher@legis.wisconsin.gov



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1265/P1
MPG:jld:rs

DOA:.....Lawrence, BB0411 – Sum sufficient appropriation for emergency management volunteer claims

FOR 2013-2015 BUDGET — NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** the budget.

Analysis by the Legislative Reference Bureau

MILITARY AFFAIRS

Under current law, an individual who is registered with a local unit of government as an emergency management volunteer is considered an employee of that local unit of government for worker's compensation purposes for an injury the volunteer suffers while providing emergency management services during a disaster, imminent threat of disaster, or related training exercise.

Under this bill, an individual who is registered with a local unit of government as an emergency management volunteer is considered an employee of the state, not the local unit of government, for worker's compensation purposes. The bill creates a sum sufficient appropriation for DMA to pay such a volunteer's worker's compensation claim based on an injury the volunteer suffers while providing emergency management services during a disaster, imminent threat of disaster, or related training exercise.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.465 (3) (am) of the statutes is created to read:

2 20.465 (3) (am) *Worker's compensation for local unit of government volunteers.*

3 A sum sufficient to pay the worker's compensation claims of emergency management
4 program volunteers under s. 323.40 (3) (a).

 ****NOTE: This SECTION involves a change in an appropriation that must be
 reflected in the revised schedule in s. 20.005, stats.

5 **SECTION 2.** 323.40 (3) (a) of the statutes is renumbered 323.40 (3) (a) 1. and
6 amended to read:

7 323.40 (3) (a) 1. Except as provided in par. (b), an individual who registers in
8 writing with a local unit of government's emergency management program to
9 provide his or her own labor without compensation, other than reimbursement for
10 travel, lodging, or meals, during a disaster, an imminent threat of a disaster, or a
11 related training exercise is considered an employee of the ~~local unit of government~~
12 state for worker's compensation under ch. 102 for purposes of any claim relating to
13 the labor provided.

14 **SECTION 3.** 323.40 (3) (a) 2. of the statutes is created to read:

15 323.40 (3) (a) 2. If an individual who is considered an employee of the state
16 under subd. 1. files a claim for worker's compensation relating to the individual's
17 labor provided during a disaster, an imminent threat of a disaster, or a related
18 training exercise, the local unit of government with which the individual is
19 registered to provide that labor shall refer that claim to the department of military
20 affairs, and, if the claim is payable under ch. 102, the department shall pay that
21 claim from the appropriation under s. 20.465 (3) (am).

22 **SECTION 9331. Initial applicability; Military Affairs.**

(1) WORKER'S COMPENSATION FOR EMERGENCY MANAGEMENT PROGRAM VOLUNTEERS.

The treatment of section 20.465 (3) (am) of the statutes, the renumbering and amendment of section 323.40 (3) (a) of the statutes, and the creation of section 323.40 (3) (a) 2. of the statutes first apply to a claim for worker's compensation for an injury incurred by an emergency management program volunteer on the effective date of this subsection.

(END)